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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,661	02/28/2002	Masatoshi Chiba	P21749	5687
7055	7590	01/18/2007	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			ART UNIT	PAPER NUMBER

DATE MAILED: 01/18/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/926,661	Applicant(s) CHIBA, MASATOSHI	
	Examiner Daniel Kolker	Art Unit 1649	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 10/18/06 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

Continuation of 10. Other (including any explanation in support of the above items):

Section VII of the brief, Argument, is incomplete because it does not explicitly cite the statutes that served as the basis of the rejection, as required in 37 CFR 41.37(c)(1)(vii). While reference is made to whether certain claims are anticipated or obvious, the rule requires "citations of the statutes, regulations, authorities, and parts of the record relied on."

The Evidence Appendix, section IX of the brief, is incomplete. It does not contain a listing of the references relied upon by the examiner in the rejections, and does not contain copies of these references. The following references which are missing are:

1. Nakamura EP 0456188A1
2. Tanaka WO 97/02832
3. Tanaka US Patent Application Publication 2001/0051604

Furthermore, the Evidence Appendix does not contain a statement where in the record that evidence was entered in the record by the examiner as required by 37 CFR 41.37(c)(1)(ix).

Appellant must correct the defective brief within one month, or thirty days, whichever is longer. While extensions of time are available under 37 CFR 1.136, any response must be filed no later than seven months from the date the notice of appeal was filed (i.e., not later than seven months from 17 July 2006).

DK
1/4/07



ROBERT C. HAYES, PH.D.
PRIMARY EXAMINER